

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of: )  
)  
Comments regarding MM Docket No. 99-25) )  
)  
submitted by: )  
WAY-FM Media Group, Inc. )  
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The Federal Communications Commission has invited comments from the public on the recently released FCC Docket 99-25 that concerns potential changes in FM translator regulations and processing as well as LP-FM possible revisions.

WAY-FM Media Group, Inc. strongly opposes the idea discussed in section 33 of the **Second Order on Reconsideration released March 17, 2003** that questions whether presently filed mutually exclusive translator applications filed during the March 2003 translator window, should possibly be dismissed.

As a non-commercial NCE licensee of several full power NCE stations, the translator applications we have made are in fairly close proximity to one of our locally programmed full power broadcast stations. WAY-FM, like many other non-commercial, educational entities, have already spent significant dollars associated with these translator filings in engineering consulting and legal fees.

Funding for many NCE broadcasters is a constant challenge and since we have made a respectable investment already to place applications on file (in many cases with listener donated dollars), it would be unfair to dismiss these mutually exclusive applications at least prior to a settlement opportunity.

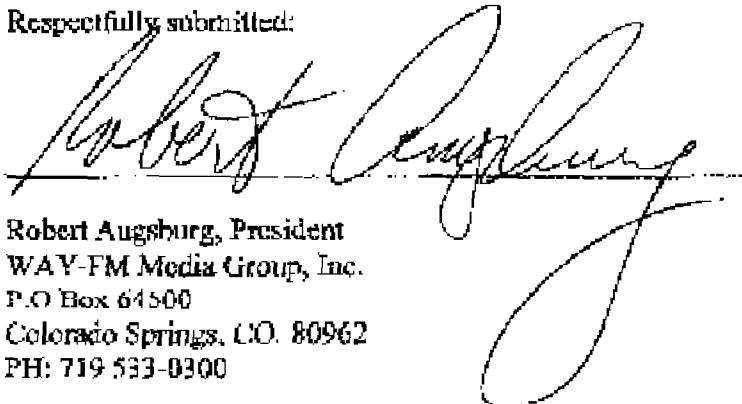
We believe that a 60 or 90 day settlement opportunity should be first given to MX groups to work on resolving some of the conflicts. Many mutually exclusive translators can be technically resolved with simple minor change amendments. Perhaps after a settlement opportunity has been completed, those translator channels that still remain could be dismissed and used for potential LP-FM filings. But to do so before a settlement window is opened as previously promised by the FCC would be unfair to NCE broadcasters who have demonstrated excellent track records and providing a valuable programming service to the public.

We furthermore want to go on record strongly in favor of "grandfathering" protection to FM translators who are presently licensed or where construction permits are already granted. WAY-FM owned translators are already rendering a very valuable service, in many cases to small rural areas and communities where our programming is not available on full service radio stations.

The audiences in our translator markets have faithfully supported our station during pledge drives. Furthermore, in many situations, listeners have underwritten the cost of equipment and other expenses prior to coming on the air. If any of these translators were displaced, there would be significant credibility loss for WAY-FM or for that matter any existing NCE broadcaster that has raised advance funding from local community residents for the purpose of providing a new FM translator service. Please **DO NOT** permit LP-FM from displacing current FM translators or construction permits. Also, when MX groups are comprised solely of NCE applicants, please allow for the normal procedural settlement window process to allow groups to work on resolving conflicts as you have done in the past with NCE full power and NCE translator MX groups.

Ultimately, WAY-FM would be in favor of resolving remaining FM translator conflicts that exist *after* a settlement window, by utilizing the "point system" provided of course that the entire MX group is comprised of NCE applicants.

Respectfully submitted:



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